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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN MILNE,

Defendant.

Case No. 2:17-cr-00178-APG-GWF

STIPULATION TO CONTINUE
SENTENCING (SECOND REQUEST)

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and CHRISTOPHER BURTON, Assistant United States Attorney, counsel for the United States of America, and ERIN GETTEL, counsel for Defendant KEVIN MILNE, that the sentencing currently scheduled for May 9, 2019, at 10:00 a.m., in the above-captioned matter, be vacated and continued to a date and time to be set by this Honorable Court but no sooner than 30 days.¹

This stipulation is entered into for the following reasons:

1. On May 2, 2019, Milne filed his sentencing memorandum, which included a psychological report as a sealed exhibit. Milne provided the government a copy of the sealed

¹ Milne has indicated to the government that his expert will be unavailable between June 13 and June 29, 2019.

1 exhibit the same day.

2 2. In reviewing the sealed exhibit, it appears Milne was administered two
3 psychological inventories as part of his psychological evaluation.

4 3. On May 3, 2019, the government requested defense provide all underlying testing
5 materials, to include the raw test scores and data as well as question materials.

6 4. On May 6, 2019, Milne provided the government with scantrons containing his
7 answers as well as his raw test scores, but declined to provide the questioning materials and
8 offered internet links to websites where the materials could be purchased.

9 5. The government needs additional time to secure the question materials to provide
10 context to the answers provided by counsel as well as consult with a rebuttal expert in
11 preparation for sentencing.

12 6. The defendant is currently out of custody and does not object to the continuance.

13 7. The parties agree to the continuance.

14 8. Further, the additional time requested herein is not sought for purposes of delay,
15 but to allow counsel for government sufficient time within which to be able to effectively and
16 completely investigate the discovery materials being provided.

17 9. This is the second request to continue the sentencing in this matter.

18
19 DATED this 7th day of May, 2019.

20
21 //s//
22 ERIN GETTEL, AFD
23 Counsel for Defendant
24 KEVIN MILNE

Respectfully submitted,
NICHOLAS A. TRUTANICH
United States Attorney
//s//
CHRISTOPHER BURTON
Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:17-cr-00178-APG-GWF

Plaintiff,

vs.

ORDER

KEVIN MILNE,

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On May 2, 2019, Milne filed his sentencing memorandum, which included a psychological report as a sealed exhibit. Milne provided the government a copy of the sealed exhibit the same day.

2. In reviewing the sealed exhibit, it appears Milne was administered two psychological inventories as part of his psychological evaluation.

3. On May 3, 2019, the government requested defense provide all underlying testing materials, to include the raw test scores and data as well as question materials.

4. On May 6, 2019, Milne provided the government with scantrons containing his answers as well as his raw test scores, but declined to provide the questioning materials and offered internet links to websites where the materials could be purchased.

5. The government needs additional time to secure the question materials to provide context to the answers provided by counsel as well as consult with a rebuttal expert in preparation for sentencing.

1 6. The defendant is currently out of custody and does not object to the continuance.

2 7. The parties agree to the continuance.

3 8. Further, the additional time requested herein is not sought for purposes of delay,
4 but to allow counsel for government sufficient time within which to be able to effectively and
5 completely investigate the discovery materials being provided.

6 9. This is the second request to continue the sentencing in this matter.

7 **CONCLUSIONS OF LAW**

8 The ends of justice served by granting said continuance outweigh the best interest of the
9 public and the defendant, since the failure to grant said continuance would be likely to result in
10 a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within
11 which to be able to effectively and thoroughly prepare for trial, taking into account the exercise
12 of due diligence.

13 **ORDER**

14 IT IS ORDERED THEREFORE that the sentencing currently scheduled for May 9,
15 2019, at the hour of 10:00 a.m., be vacated and continued to June 11, 2019,
16 at the hour of 11:00 am in Courtroom 6C

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18 DATED 8th day of May, 2019.

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21 THE HONORABLE ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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